



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC:lc
Docket No: 6083-99
30 November 1999

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1400/3 MMPR-2 of 4 November 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:
1400/3
MMPR-2
4 Nov 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF [REDACTED]

Ref: (a) Enlisted Marine Corps Manual (MCO P1400.32B).
(b) CMC ltr 1420/2 MMPR-2 of 27 Sep 99

1. [REDACTED] requested the reinstatement of his selection to staff sergeant by the 1997 Reserve Staff Noncommissioned Officer Selection Board and that he be given a date of rank of 1 January 1998.
2. [REDACTED] was erroneously selected to the rank of staff sergeant by the 1997 Reserve Staff Noncommissioned Officer (SMCR) Selection Board due to an administration error. Our records indicate that [REDACTED] was considered in the Selected Marine Corps Reserve (SMCR) in the In Zone (IZ) for the Military Occupational Specialty (MOS) 1391 by the 1997 Reserve Staff Noncommissioned Officers Selection Board (SNCO) which convened on 28 October 1997 and adjourned on 18 December 1997. However, while the board was in session [REDACTED] made a component change from the SMCR to the Active Reserve (AR) on 16 November 1997. This change made him ineligible for consideration for selection in the SMCR.
3. Per paragraph 1203.16 (e) of reference (a) and as explained in a previous letter to [REDACTED] in reference (b) "Marines that effect an intercomponent or category transfer from the active component to the reserve component, SMCR to AR, AR to SMCR, IRR to AR, or AR to IRR, while a Reserve SNCO selection board is in session, are not eligible for selection consideration. Selection of a reservist in this category is considered erroneous and appropriate action will be taken to remove the reservist from the selection list." Paragraph 3200.9 of the reference also applies. Recommend his petition be denied.

Richard B. Fitzwater

RICHARD B. FITZWATER

Assistant Head, Enlisted Promotions
Promotion Branch

By direction of
the Commandant of the Marine Corps